

REMARKS

An Office Action was mailed on April 19, 2004. Claims 1-18 are pending. Claim 18 is withdrawn from consideration as drawn to a non-elected invention and is herewith canceled.

Claims 1-12 and 14-17 are again rejected under 35 U.S.C. §102(b) as being anticipated by Rosenwasser (U.S. Patent 5,531,065), while claim 13 is believed to be rejected again under 35 U.S.C. §103(a) as being unpatentable over Rosenwasser '065. The Examiner indicated that the amendment to claim 1 of "a faceted surface obtained through a non-cutting deformation or movement of an outer wall" is given little if any weight in the article claims. Accordingly, Applicant has further amended the claims to focus on the structural differences between the jewelry rope chain of the present invention and that of Rosenwasser '065.

As noted previously, the Rosenwasser '065 teaching is limited to faceting by cutting or shaving, while the present invention is limited to a link having a first end opposite a gap, lateral sides adjacent said gap and an outer wall on at least one of said lateral sides deformed toward an inner wall on said lateral side without the loss of link material that results in the appearance of a faceted surface on said outer wall. In other words, the rope chain of the present invention achieves a faceting appearance by a non-cutting deformation, or in structural terms, the rope chain of the present invention has a faceted appearance achieved through a deformed outer wall. Again, the Examiner is respectfully directed to the definition of "faceting" as set forth in the Summary of the Invention section:

The term "faceting" as used herein describes a process whereby the outer periphery of a hollow chain link is provided with a flat, shiny surface. ... With hollow chain links, this process of "faceting" becomes challenging because the outer wall is thin, and any uncontrolled cutting is likely to damage the integrity of the outer wall. Thus, the term "faceting" as applied to hollow chain links usually means deforming with a blunt instrument or a wheel or by any other means known in the art, such that the outer peripheral wall is moved inward or is deformed away from its original position, and not cut away completely like with diamond cutting of solid chain links. Such deformation or contouring is also known in the art as "simulated" faceting, as the final appearance of the hollow link, with a brilliant, lustrous surface, is similar to the appearance created by diamond cutting a solid chain link. (page 2, lines 9-21)

Applicant respectfully submits that such amendment to claims 1-17 results in a jewelry rope chain having a different structure than originally claimed and as set forth in Rosenwasser

'065. In Rosenwasser '065, the link is cut or shaved upon faceting, resulting in a reduction in link material. In the claimed jewelry rope chain, there is no reduction in link material that results in a faceted appearance, and therefore the integrity of the rope chain link is not jeopardized. In Rosenwasser '065, the faceting destroys the integrity of the link through a cutting or shaving of link material from the outer surfaces of the links. Thus, a comparison of the resultant Rosenwasser '065 and claimed chains would clearly reveal structures that are inherently different. Again, the Rosenwasser '065 rope chain is not comprised of links that are actually whole, but are instead shaved or cut. In the present invention, the rope chain link is faceted through a deformed outer wall. As such, the two structures are completely different.

Accordingly, Applicant again respectfully disagrees with the Examiner that the claims as amended are taught by Rosenwasser '065. In this case, Rosenwasser '065 fails to teach the claimed invention as required by the MPEP, and in particular a link having a first end opposite a gap, lateral sides adjacent said gap and an outer wall on at least one of said lateral sides deformed toward an inner wall on said lateral side without the loss of link material that results in the appearance of a faceted surface on said outer wall. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102(b).

In view of the above amendments and remarks, it is believed that claims 1-17, consisting of independent claim 1 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

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